

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: SUBSTANTIVE CRIMINAL LAW 2.11

SUBJECT:	Substantive Criminal Law
AZ POST DESIGNATION:	2.11 Chapter 17
HOURS:	.5
COURSE CONTENT:	An analysis of the most frequently used statutes in this chapter.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will: <ul style="list-style-type: none">2.11.17.1 Identify examples of the following property-related crimes:<ul style="list-style-type: none">A. Reckless burning and arson (A.R.S. §§13-1702 through 13-1708).

DATE FIRST PREPARED: November 2000

PREPARED BY: SME Committee

REVIEWED – REVISED:	SME Committee	DATE: May 2002
REVIEWED – REVISED:	SME Committee	DATE: April 2003
REVIEWED – REVISED:	SME Committee	DATE: January 2009
REVIEWED – REVISED :	SME Committee	DATE: October 2010
REVIEWED – REVISED:	SME Committee	DATE: November 2011
REVIEWED – REVISED:	SME Committee	DATE: January 2020
REVIEWED – REVISED:	SME Committee	DATE: March 2021
REVIEWED – REVISED :	AZPOST (DocX)	DATE: January 2022
AZ POST – APPROVAL:	Cynthia Sawyer	DATE: August 2019
AZ POST – APPROVAL:	Mandy Faust	DATE: March 2021
AZ POST – APPROVAL:	Lori Wait	DATE: January 2022

INSTRUCTOR REFERENCES:

CLASS LEVEL: Student

TRAINING AIDS: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 2-11 Ch 17 Arson

DATE RELEASED TO THE SHARE FILE: August 2023

I. INTRODUCTION

- A. Instructor – (self) introduction.
- B. Preview of performance objectives. **INSTRUCTOR NOTE:** *Use is taught as a “stand alone” lesson plan.*

II. § 13-1701 – DEFINITIONS

implied by **P. O. 2.11.17.1A**

- A. Damage – means any physical or visual impairment of any surface. (Note: Visual damage could be smoke damage.)
- B. Structure – means any building, object, vehicle, watercraft, aircraft or place with sides and a floor, used for lodging, business, transportation, recreation or storage.
- C. Occupied structure – means any structure as defined in paragraph 4 in which one (1) or more human beings either is, or is likely to be, present or so near as to be in equivalent danger at the time the fire or explosion occurs. **INSTRUCTOR NOTE:** *Read the definition of “Structure” first.*
- D. The term includes any dwelling house whether occupied, unoccupied or vacant.
 - 1. So, we know that we must first have a "structure" by definition; and
 - 2. We can show that this structure is an "occupied structure" in two (2) ways:
 - a. When the fire or explosion occurs, there was a person in the structure, or so close to it, to be in danger; or
 - b. It was a dwelling – house, apartment, trailer, hotel or motel room, etc.
- E. Property – means anything other than a structure which has value (tangible or not, public or private, real or personal, including documents evidencing value or ownership).
- F. Wild land – means any brush-covered land, cut-over land, forest, grassland or woods.

III. § 13-1702 – RECKLESS BURNING

P. O. 2.11.17.1A

- A. A person commits reckless burning by recklessly causing a fire or explosion, which results in damage to an occupied structure, a structure, property or wildlands.
 - 1. Fires and explosions are treated in unison because of the similarity of risk, intent and damage.
 - 2. Damage **MUST** result.

3. Note the culpable mental state required.

B. Reckless burning is a misdemeanor.

C. If a person recklessly sets a wooden fence on fire and the fire travels over the fence and burns down a house killing three (3) people, the original crime is STILL reckless burning.

D. Since people were killed, we could go to Chapter 11 for charges, but the original crime is still a misdemeanor.

IV. § 13-1703 – ARSON OF A STRUCTURE OR PROPERTY

P. O. 2.11.17.1A

A. A person commits arson of a structure or property by knowingly and unlawfully damaging a structure or property by knowingly causing a fire or explosion.

1. Arson of any structure is a felony.

2. Arson of property with a value of more than \$100 is a felony.

B. Arson of property that had a value of \$100 or less is a misdemeanor.

V. § 13-1704 – ARSON OF AN OCCUPIED STRUCTURE

P. O. 2.11.17.1A

A. A person commits arson of an occupied structure by knowingly and unlawfully damaging an occupied structure by knowingly causing a fire or explosion.

B. Arson of an occupied structure is a felony.

VI. § 13-1706 – BURNING OF WILDLANDS; EXCEPTIONS; CLASSIFICATION

A. It is unlawful for any person, without lawful authority, to intentionally, knowingly, recklessly or with criminal negligence to set or cause to be set on fire any wildland other than the person's own or permit a fire that was set or caused to be set by the person to pass from the person's own grounds to the grounds of another person.

VII. § 13-1707 – UNLAWFUL CROSS BURNING; CLASSIFICATION

A. It is unlawful for a person to burn or cause to be burned a cross on the property of another person without that person's permission or on a highway or any other public place with the intent to intimidate any person or group of persons. The intent to intimidate may not be inferred solely from the act of burning a cross, but shall be proven by independent evidence.

B. A person who violates this section is guilty of a misdemeanor.

VIII. § 13-1708 – UNLAWFUL SYMBOL BURNING; CLASSIFICATION

- A. It is unlawful for a person to burn or cause to be burned any symbol not addressed by § 13-1707 on the property of another person without that person's permission or on a highway or any other public place with the intent to intimidate any person or group of persons. The intent to intimidate may not be inferred solely from the act of burning the symbol, but shall be proven by independent evidence.
- B. A person who violates this section is guilty of a misdemeanor.

IX. CONCLUSION

- A. Review of Performance Objectives.
- B. Final questions and answers.
- C. Instructor closing comment(s).